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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,942	06/08/2001	Charles A. Porter	PU010084	9076

7590 06/18/2004

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EXAMINER

SAIN, GAUTAM

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,942

Applicant(s)

PORTER ET AL.

Examiner

Gautam Sain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/03, 9/01.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

- 1) Claim 3 is objected to because of the following informalities: Claim 3 depends upon claim 3. For purposes of examination, the Examiner assumed the claim reads "... in accordance with claim 2". Appropriate correction is required.

Claim Rejections - 35 USC § 102

- 2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 2-1) **Claims 1, 4, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobs et al (US US 6225995, filed Oct 31, 1997).**

Regarding claim 1, Jacobs teaches "analyzing each field ... each field," and "adding ... metadata" (ie., URI ... identify the metadata associated with browser request ... send a revised browser message)(col 21, line 40 – col 22, line 15; Summary; col 2, line 65 – col 3, line 20).

Regarding claim 4, Jacobs teaches "obtaining ... metadata ... predetermined fields" (ie., URI ... identify the metadata associated with header section ...)(col 21, lines 40-67).

Regarding claim 10, Jacobs teaches "communications network is a computer network" (ie., Internet)(col 6, lines 1-20; fig 1, item 128).

Claim Rejections - 35 USC § 103

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3-1) Claims 2, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (as cited above), in view of Eyal (as cited in the IDS).

Regarding claim 2, Jacobs does not teach, but Eyal teaches "reorganizing said plurality ... reorganized plurality of fields" (ie., organize media clips according to an order ... listed together or listed before less preferred clip ...)(col 29, lines 40-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include organizing media clips as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claim 5, 18, Jacobs does not expressly teach, but Eyal teaches "analyzing each field ... identified for a field" (ie., determine if structure is empty. Continue parsing until empty)(col 22, lines 18-66).

Eyal teaches "adding said associated metadata ... been identified" (ie., updating the rating field for the media recording)(col 30, lines 52-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include continuing parsing until the structure is empty and updating the rating field for media as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claim 6, 19, Jacobs teaches "adding a contents ... metadata" (ie., server initiates an operation to incorporate information to the URL)(col 2, line 55 – col 3, line 20).

Regarding claim 7, 12, 14, 20, Jacobs teaches "replacing ... terms ... original metadata" (ie., server extracts information from the URL and uploads information into a URL)(col 3, lines 5-22).

Regarding claim 8, 21, Jacobs does not teach, but Eyal teaches "elements related to at least one of content of the media" (ie., media from the network)(col 1, lines 50-67; summary).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include media from the network as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claim 9, Jacobs does not teach but Eyal teaches "media comprises at least one of multimedia" (ie., multimedia)(col 13, line 47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include multimedia as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claims 11, 13, 15, Jacobs does not teach, but Eyal teaches ... *reorganizing said plurality of fields* (ie., organize media clips according to an order ... listed together or listed before less preferred clip ...)(col 29, lines 40-57). Jacobs teaches *URI and original metadata* (ie., URI)(Jacobs, col 21, lines 40-45).

Jacobs teaches *analyzing each field ... each field and adding ... metadata* (ie., URI ... identify the metadata associated with browser request ... send a revised browser message)(col 21, line 40 – col 22, line 15; Summary; col 2, line 65 – col 3, line 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include organizing media clips as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

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3-2) Claims 3, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (as cited above), in view of Eyal (as cited in the IDS), further in view of Gabriel (US 6584468, filed Sep 29, 2000, Application No 09675594).

Regarding claim 3, 16, Jacobs in view of Eyal does not teach, but Gabriel teaches "reorganizing said ... reverse order" (ie., ranking and selection process could be reversed)(col 6, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs in view of Eyal to include reverse the ranking process as taught by Gabriel, providing the benefit of indexing network information with searches for files of information relevant to people and resources using weighted links (Gabriel, Abstract section).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gautam Sain



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER